

1 IN THE SUPREME COURT FOR THE STATE OF ALASKA

2 RESOURCE DEVELOPMENT COUNCIL)
3 FOR ALASKA, INC.; ALASKA TRUCKING)
4 ASSOCIATION, INC.; ALASKA MINERS)
5 ASSOCIATION, INC.; ASSOCIATED)
6 GENERAL CONTRACTORS OF ALASKA;)
7 ALASKA CHAMBER; and ALASKA)
8 SUPPORT INDUSTRY ALLIANCE,)

9 Appellants,)

10 v.)

11 KEVIN MEYER, in his official capacity,)
12 as Lt. Governor of the State of Alaska;)
13 GAIL FENUMIAI, in her capacity as Director)
14 of the Alaska Division of Elections; the)
15 STATE OF ALASKA, DIVISION OF)
16 ELECTIONS; and VOTE YES FOR)
17 ALASKA'S FAIR SHARE,)

18 Appellees.)

Supreme Court No. S-_____

19 Trial Court Case No. 3AN-20-05901CI

20 **STATEMENT OF POINTS ON APPEAL**

21 Appellants Resource Development Council for Alaska, Inc.; Alaska Trucking
22 Association, Inc.; Alaska Miners Association, Inc.; Associated General Contractors of
23 Alaska; Alaska Chamber; and Alaska Support Industry Alliance ("Appellants"), by and
24 through their attorneys Schwabe, Williamson & Wyatt, P.C., hereby submit their
25 statements of points on appeal pursuant to Alaska Rules of Appellate Procedure
26 204(b)(3) and 204(e):

1 1. The Superior Court erred in ruling that Alaska Statute 15.45.110(c) was
2 facially unconstitutional under the First Amendment to the Constitution of the United
3 States.
4

5 2. The Superior Court erred in ruling that AS 15.45.130 permits the State of
6 Alaska to count subscriptions certified by a circulator's Certification Affidavit that
7 falsely certifies compliance with AS 15.45.110(c).
8

9 3. The Superior Court erred in ruling that to the extent AS 15.45.130
10 requires the State of Alaska to invalidate subscriptions supported by a circulator's
11 Certification Affidavit that falsely certifies compliance with AS 15.45.110(c),
12 AS 15.45.130 is unconstitutional under the First Amendment to the Constitution of the
13 United States.
14

15 4. The Superior Court committed reversible procedural error in granting a
16 motion to dismiss when it went outside the pleadings in order to determine the
17 constitutionality of Alaska statutes, and when it reached factual conclusions without
18 any supporting factual record.
19

20 DATED at Anchorage, Alaska this 20th day of July, 2020.

21 SCHWABE, WILLIAMSON & WYATT, P.C.
22 Attorneys for Appellants

23 By: 
24

 Matthew Singer
 Alaska Bar No. 9911072
 Lee C. Baxter
 Alaska Bar No. 1510085
25
26

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 20th day of
3 July, 2020, a true and correct copy of the
4 foregoing was served upon the following by:

5 ☐ US Mail ☒ Email ☐ Fax ☐ Hand-Delivery

6 Margaret Paton-Walsh
7 Statewide Section Chief
8 Attorney General's Office
9 margaret.paton-walsh@alaska.gov

10 Katherine Demarest
11 Asst. Attorney General
12 Attorney General's Office
13 kate.demarest@alaska.gov

14 Robin O. Brena
15 Jon S. Wakeland
16 Brena, Bell & Walker, P.C.
17 rbrena@brenalaw.com
18 jwakeland@brenalaw.com

19 
20 Jeanine M. Huston